WP(C) 4775/2007

BEFORE

HON'BLE MR.JUSTICE RANJAN GOGOI

The challenge in the writ petition is against an order dated 7.8.2007 by which the contract granted to the petitioner for construction of an office building has been rescinded. According to the petitioner, the delayed execution of the work was on account of lapses on the part of the Respondents in furnishing necessary drawings etc., which had disabled the petitioner from executing the contract work in a satisfactory manner. Not only that, the materials on record would go to show that by letter dated 27.7.2007 the Respondents made available to the petitioner a diagram and required him to resume the work within 7 days from the date of receipt of the letter. According to the petitioner, the diagram furnished to him was only a part of the requirements and that the work could not be resumed within 7 days on account of heavy rains and water logging in the area where the construction was being raised. To support the said fact the writ petitioner has enclosed several photographs, which are marked as Annexure-13.

The above facts leave the Court satisfied that the adjudication sought by the petitioner would require appreciation of several questions of fact which, will be inappropriate for the Court in exercise of powers under Article 226 of the Constitution. Writ petition, therefore, is not being entertained. However, the petitioner may approach the Civil Court having jurisdiction in the matter, if so advised.

Writ Petition is disposed of in terms of the above.